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Paper No.

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AUG 04 2008

In re Application of	:	
Forest S. Baker IV	:	
Application No. 09/920,072	:	DECISION ON PETITION
Filed: August 1, 2001	:	PURSUANT TO
Attorney Docket No. 2866.2.1	:	37 C.F.R. § 1.181(A)
Title: VOICE TRANSITION SCRIPT	:	
CALLER	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on June 21, 2008.

The above-identified application became abandoned for failure to reply in a timely manner to the notice of non-compliant amendment, mailed June 21, 2007, which set a period for reply of one month. No further responses were received, and no extensions of time pursuant to Rule 1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 22, 2007. A notice of abandonment was mailed on June 2, 2008¹.

With this petition, Petitioner has asserted that a response to the notice of non-compliant amendment was submitted to the Office on July 3, 2007. Petitioner has submitted both a copy of this response and an Electronic Acknowledgement Receipt that

¹ It is noted that the notice of abandonment erroneously sets forth that this application went abandoned for failure to respond to a non-final Office action mailed on March 7, 2007.

Decision on Petition pursuant to 37 C.F.R. § 1.181(a)

establishes that a response to the notice of non-compliant amendment was received in the Office on July 3, 2007.

Moreover, a copy of this response has been located in the electronic file; therefore, it is clear that this response to the notice of non-compliant amendment was timely submitted on July 3, 2007.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is GRANTED. The holding of abandonment is WITHDRAWN.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the response to the notice of non-compliant amendment that was received on July 3, 2007 can be processed.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225². All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).